



Application No.:

CU-2018-015

Attachment "A"

Consultant's Report

Publix Supermarkets

**CONDITIONAL USE TO PERMIT A RETAIL BUILDING IN
EXCESS OF 25,000 SQUARE FEET.**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A RETAIL BUILDING IN EXCESS OF 25,000 SQUARE FEET AS A SINGLE USE IN THE NEIGHBORHOOD CENTER (NC) ZONING DISTRICT PER SECTION 3-58(3) ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.



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MEMORANDUM

To: Kathryn Lyon, MBA, AICP, CFM, Planning and Zoning Director

From: Scarlet R. Hammons, AICP CTP, Planning Consultant

Date: October 9, 2018

Re: Shoppes of Cutler Bay – Conditional Use Application – Larger than 25,000 S.F.
(Application No.: SP-2018-015)

REQUEST

Publix Supermarkets is seeking approval of a conditional use permit to build a 54,244 square foot grocery store with a drive-thru pharmacy on approximately 13.6-acre development site consistent with the requirements set forth in Section 3-58(3) of the Town Code. A copy of the conditional use application including the letter of intent is provided.

APPLICANT

Publix Supermarkets

LOCATION

Folio Numbers: 36-6009-006-0012, 36-6009-005-0010 & 36-6009-006-0010

Legal Description: 9 56 40 5.61AC Seminole Plains Replat PB 49-38 TR A Less Beg SE Cor
TR A W25.54 Ft to POB Cont WLY 100 Ft TH By Curve to RT NWLY
NLY & NELY ARC DIST 60.34FT TH NELY ALG NWLY

9 56 40 30AC Seminole Plains Replat PB 20-42 TRS 3 & 14 & 15 OR
12795-1608 0186 2 F/A/U 30-6009-006-0010

BACKGROUND AND ANALYSIS

The proposed development will be located on approximately 13.18 acres which is part of a larger undeveloped tract of land totaling 35 acres, and is adjacent to Old Cutler Road. The property is bounded by SW 208th Street to the north; SW 92 Avenue to the east; SW 212 Street to the south; and Old Cutler Road to the west. It is anticipated that the Applicant will sell the 13.18-acre site and keep ownership of remaining property, as illustrated in the aerial photograph and Miami-Dade County Property Appraiser Maps. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be serviced by Miami-Dade County. The site has access to major road networks through Old Cutler Road.

Proposed Development Project

The proposed project is a mixed-use commercial development that includes retail, restaurants, banking facilities, and a grocery store with pharmacy. The grocery with pharmacy will be located to the rear of the property. The buildings in parcels 2 and 3 will front Old Cutler Road. The size of these buildings will vary from 4,000 square feet to 7,000 square feet. The size and design of these buildings will not allow any one tenant to occupy more than 25,000 square feet fronting Old Cutler Road. Approximately 33,200 square feet or 38 percent of the total building square footage is dedicated to restaurants, liquor store and retail stores. The remaining square footage will be utilized by the grocery store and pharmacy. The total building area (87,444 SF) covers approximately 16 percent of the total project area. The remaining site area will be used for sidewalks, paved areas, landscape, parking field, natural storm water retention areas, and open space.

Land Development Regulations

Section 3-33 establishes the development standards for the review and approval of site plans in the Town of Cutler Bay. According to this section of the LDRs, no certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. Section 3-33(B) of the Code provides the approval standards for which the proposed site plan application is evaluated by the Town Council.

Land Use and Zoning

The Future Land Use Map designation is Mixed Use. The Town's adopted policy for mixed-use projects recognizes that the Mixed Use Districts under the Density and Intensity list in Table FLU-1 of the Growth Management Plan allow for a mix of commercial uses without having residential as one of the uses, whether the proposed development is vertical or horizontal in form and function. The residential component in the mixed-use should be considered only if it is incorporated as part of the mixed-use project, and no less than 20 percent of the project should be set aside for residential use.

This parcel is zoned NC-1 (Neighborhood Center District). The NC-1 provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central

to neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The intent of the district is to develop into an interconnected pattern of streets that is limited to approximately ¼ mile in radius. Uses in the District will have a primary market area of three (3) miles and are intended to service the daily needs of residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes. The following provides an overview of the surrounding zoning and land use designations.

Existing Zoning Districts	Future Land Use Map Designation
Subject Property:	Subject Property:
NC-1 Neighborhood Center 1	Mixed-Use
Surrounding Properties:	Surrounding Properties:
<i>NORTH:</i>	<i>NORTH:</i>
NC-1 Neighborhood Center 1	Mixed-Use
<i>EAST:</i>	<i>EAST:</i>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<i>SOUTH:</i>	<i>SOUTH:</i>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<i>WEST:</i>	<i>WEST:</i>
NR-Neighborhood Residential 5 Dwelling Units/Net Acre	Low Density

Most of the development surrounding the proposed site is residential. An aerial photograph depicting the location of the property and surrounding uses (zoning districts and future land use map designation) are provided.

CONDITIONAL USE EVALUATION CRITERIA

In evaluating an approval of a conditional use application under the Town's Land Development Regulations, the following evaluation criteria are to apply.

1. Compliance with the Town's Growth Management Plan. ***Yes. The grocery store including the pharmacy is permitted under NC-1 zoning district and is consistent with the mixed-use future land use map designation given that the use is part of major mixed-use commercial***

development. The following provides an overview of the Town's Growth Management Plan policies that will be furthered by this application.

Policy FLU-3C: The area located along the Old Cutler Road corridor and designated "Mixed Use" on the Future Land Use Map shall be redeveloped as a place where living, working, shopping, and civic activities can take place within a town center type environment.

Policy FLU-3D: New development and redevelopment along Old Cutler Road shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.

Policy FLU-13C: The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center and Mixed Use land use districts, in accordance with this Plan.

Policy FLU II-2A: The Town will encourage future development into areas that are already served, or programmed to be served by County WASD potable water facilities.

Policy FLU I2-2A: The Town will encourage future development into areas that are already served, or programmed to be served, by County WASD sanitary sewer facilities.

2. Consistent with the "character and purpose" of the zoning district. *Yes. As mentioned, the intent of the NC-1 zoning district is to provide for a location that supports pedestrian scaled shops, restaurants, services, small workplaces, and residential building central to a neighborhood. The proposed development will be connected to the surrounding residential areas through interconnection of sidewalks that extend from Old Cutler Road through the interior of the property. Restaurants, retail and service related activities will be located along Old Cutler Road within close proximity to residents to the west of Old Cutler Road.*
3. The size, shape and character of the property are suited for the proposed use. *Yes.*
4. Is compatible with the existing uses near the property. *Given the size of the property and proposed landscape buffer and tree canopy this will allow the proposed use to be compatible with the surrounding area. In addition, the proposed use will complement the residential and institutional areas by providing a mix of commercial uses and services that are necessary to support the residential, commercial and institutional needs of the surrounding area. Furthermore, the developer will be required to mitigate the project's potential impacts on surrounding neighborhoods and infrastructure.*
5. Will not adversely affect the development of the general neighborhood or district. *The proposed use will not adversely affect the potential development or redevelopment of neighborhoods or district surrounding the proposed development. The general area surrounding the proposed development is mostly built out.*
6. Will not generate vehicular traffic or create vehicular circulation problems or parking demands that have an unfavorable impact on surrounding properties when compared with uses permitted

by right in the same district. *The proposed grocery store and pharmacy with drive-thru will have more than adequate parking as well as no vehicular circulation issues given the connectivity within the site to the ingress and egress points. The proposed use will generate vehicle traffic. However, the developer, as part of the approval process, is required to mitigate the traffic impacts associated with the project. The developer has identified a series of improvements to mitigate the project's traffic impacts: (1) A southwest bound left-turn storage lane on Old Cutler Road at Marlin Road; (2) A southwest bound left-turn storage lane on Old Cutler Road at Snapper Place; and (3) An additional approach lane to the westbound approach of SW 208th Street and Old Cutler Road. The developer will continue to work with Miami-Dade County on additional mitigation solutions to the impacts to the intersection of SW 87th Avenue and SW 208th Street.*

7. Potential for fire and/or other equally or greater dangerous hazards. *No, the Miami-Dade Fire Department reviewed this proposed project and has recommended approval.*
8. Create an unfavorable environmental impact on surrounding uses (e.g. noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance). *To address any potential noise impacts the developer has incorporated into the design several mitigation initiatives such as development of a 45 foot heavily landscaped buffer (including a 5' meandering sidewalk) between the back of the store and the residential community. The landscape area extends from the southwest boundary of the property to the SW 208th Street entrance and includes an 8' tall wall. The Applicant is also incorporating in the design a series of natural bioretention areas and/or natural storm water retention areas on the south and west side of the property (Parcels 1 and 2) to naturally treat the storm water runoff from the buildings and parking lot. The vegetation in these natural systems will remove the pollutants from the storm water runoff leaving the site, while reducing the volume of runoff entering the conventional storm water system drainage structures. In addition, the grocery delivery operational hours will be limited from 7:00 AM to 7:00 PM (Saturday 10:00 AM to 4:00 PM.) The glare from the parking lot lighting and other exterior lighting intensities will be mitigated by using LED lighting and other technology to ensure that lighting spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within the property boundaries. As part of the application review, the applicant submitted a site noise study prepared by a professional acoustical consultant. The report includes an evaluation of potential noise impacts from activities and equipment associated with the Publix supermarket on the adjacent residences to the east. Noise mitigation recommendations from this study include increasing the height of the perimeter wall, however, it is noted that the wall as proposed is the maximum allowed by the code. Additionally, the noise impacts could be reduced by enclosing the rooftop mounted mechanical equipment and by limiting the times and days the generator can be tested.*
9. Is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property. *The proposed development design provides for both pedestrian and vehicle connectivity from both Old Cutler Road and SW 208th Street. In addition, the project provides a series of internal pedestrian walkways that links the entire property, including access to the grocery store and pharmacy from any area of the development.*

10. Site is adequately served by essential public services and facilities not requiring additional public expense in infrastructure improvements. ***Yes. All required infrastructure are in place to serve the proposed development.***
11. Will not adversely affect any site or feature of historical, cultural, natural or scenic importance. ***The proposed use will not adversely affect any site or feature of historical, cultural, natural or scenic importance.***
12. Will not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicitly findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare. ***The approval of this conditional use application will not be contrary to the public health, safety and welfare of the residents of the Town of Cutler Bay, if granted within the requirements of the Town Code.***

RECOMMENDATIONS

Town Staff recommends approval of this conditional use application subject to compliance with the following condition, to which the Applicant stipulated and agreed to at the public hearing:

1. This approval is subject to approval of site plan application # SP-2018-010.
2. The maximum illumination at the property line shall not exceed 0.3 foot candles and 0.01 foot candles ten (10) feet beyond the property line. The intensity of illumination for exterior lighting across the site shall not exceed an average of six (6) foot candles measured at grade. Fixtures shall be placed to provide uniform distribution of light and to avoid excessive glare. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.
3. LED lighting shall be provided and mounted on structure no greater than five (5) feet above grade along the sidewalk /trail behind the grocery store.
4. The finish on the wall behind the grocery store which separates the residential area from the grocery shall be coated or constructed with graffiti resistant material.
5. Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan. The compactor area shall be kept clean and odor free at all times.
6. Testing of the emergency generator shall be restricted to Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. No testing shall occur during the weekends.
7. Sound barrier panels shall be installed on the roof to shield the sound from rooftop mechanical equipment.